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On Susan Moller Okin's "Reason and Feeling in Thinking about Justice"*

Alison M. Jaggar

I. OKIN'S GOALS

Okin's article focuses on the original position, which she considers to be Rawls's "most important contribution to moral and political theory" (238). Thinking from the original position is a method of philosophical reasoning intended to explain and justify our sense of justice. Philosophers using the method imagine ourselves among several parties meeting to discuss the fundamental and permanent principles of justice that will regulate our future society. The parties meet behind a "veil of ignorance," which conceals particulars of our own situations and those of others. Rawls's characterization of the original position is intended to ensure that the principles agreed on are freely accepted, impartial, and sustainable. Okin's discussion of his method has two aims. First, she re-reads the original position to show that it can withstand several criticisms influential among feminists in the 1980s. Second, she argues that, if some modifications are made to Rawls's account, original position reasoning is a valuable method for developing an "acceptable" moral and political theory in a world where "gender is becoming increasingly an indefensible mode of social organization" (229).

II. DOES OKIN'S RE-READING OF THE ORIGINAL POSITION SHOW THAT JUSTICE AND CARE ARE COMPATIBLE?

Feminists of the 1980s advanced several lines of criticism against original position thinking. Some asserted that it made indefensibly egoistic assumptions about human nature and had little relevance for actual people

* A retrospective essay on Susan Moller Okin, "Reason and Feeling in Thinking about Justice," *Ethics* 99 (1989): 229–49. All unattributed page references are to this article. Work on this essay was supported by the Research Council of Norway through its Centres of Excellence funding scheme, project number 179566/V20.

thinking about justice (230). Some said that the Rawlsian justice tradition focused too exclusively on rights and rules while neglecting context and the values of care and concern for particular others (247). Finally, other feminists contended that Rawls was overly preoccupied with impartiality and universality and failed to appreciate otherness and difference (247–48). The common thread that Okin finds in these challenges is the charge that Rawls over-emphasizes abstract reason and neglects the moral significance of feeling.

Okin argues that these criticisms misunderstand how the original position works. She believes the critics are misled by Rawls's Kantian representation of original position thinking as a branch of rational choice theory, even though Rawls later said this representation was a "very misleading" error. Okin intends her reinterpretation of the original position to demonstrate that, "at its center, (though frequently obscured by Rawls himself) is a voice of responsibility, care, and concern for others" (230).

1. First, although the parties in the original position seek to maximize their shares of the "primary social goods," this does not commit Rawls to assuming that human nature is egoistic. The assumption of mutual disinterest has to be taken together with the veil of ignorance, which "is such a demanding stipulation that it converts what would, without it, be self-interest into benevolence or equal concern for others" (244).
2. Second, since the original position is a thought experiment undertaken by philosophers who really do know their own interests, opting to use the method demonstrates willingness to abandon egoistic thinking. Using original position thinking reflects "a great commitment to benevolence; to *caring* about each and every other as much as about ourselves" (246; italics in original).
3. Third, it is only behind the veil of ignorance that the parties are indistinguishable. Once the veil is removed, they are "persons of all different imaginable types and in all different imaginable social positions" (244). Therefore, Okin argues, "the original position is *not* an abstraction from all contingencies of human life. . . . It is . . . much closer to an appreciation and concern for social and other human *differences*." (245; italics in original).
4. Finally, philosophers using the method "must think from perspective of *everybody*, in the sense of *each in turn*" (244; italics in original). This requires us to "develop considerable capacities for empathy and powers of communicating with others about what different human lives are like" (246).

Okin concludes that the original position is "a theory in which empathy with and care for others, as well as awareness of their differences, are crucial components" (248).

Okin's re-reading of the original position corrects some misunderstandings by pointing out both that the method does not assume human nature to be egoistic and that those using it must care in some way about others. However, the re-reading fails to show that "one is not forced to choose between an ethic of justice and an ethic of sympathy or care" (238) at least in the sense of care used by the feminist theorists Okin cites. Care theorists such as Gilligan, Noddings, and Blum characterized care as responsiveness to the directly perceived needs of particular others, and they contrasted this explicitly with the impersonal and generalized "love of mankind," which Rawls says is "continuous" with the "sense of justice."¹ Okin's re-reading cannot bridge the gulf between care and justice thinking posited by 1980s care theorists.

III. DOES THE REVISED ORIGINAL POSITION PROVIDE A POWERFUL METHOD FOR CHALLENGING GENDER INJUSTICE?

Although she vigorously defends the original position against several feminist criticisms, Okin has her own feminist concerns about it. The main one is Rawls's unwarranted assumption that the monogamous family, citizens' first school of morality, is itself just. This assumption is built into Rawls's characterization of the parties in the original position as "heads of families," which means "they are not in a position to settle questions of justice *within* families" (235). Okin therefore revises Rawls's description of the original position so that the method can be used to question the justice of family arrangements. Specifically, she proposes that the "heads of families" assumption be discarded, that sex as well as other individual characteristics be placed behind the veil of ignorance, and that "the principles of justice (be applied) to the gender structure and the family arrangements of our society" (235). In her book, published the same year, Okin asserts that, with these revisions, the original position is "a powerful concept for challenging the gender structure."²

Does Okin's revision fashion the original position into a powerful tool for feminism? The original position is a moral screen through

1. Carol Gilligan, *In a Different Voice* (Cambridge, MA: Harvard University Press, 1982). Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984). Lawrence Blum, "Gilligan and Kohlberg: Implications for Moral Theory," *Ethics* 98 (1988): 472-91. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 476.

2. Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic, 1989), 109.

which philosophers filter proposed principles of justice. It is designed to prevent unjust principles from passing through. Okin's revision enables the original position to screen out injustices resulting from gendered divisions of household labor, but critics have argued that it fails to block other aspects of gender injustice which involve class, race, disability, and sexual orientation.³ These criticisms raise the more general question of just how much moral work the original position can be expected to do.

Okin is open to further modifications of the original position, speaking approvingly of the "interesting critiques" generated by other philosophers' "interpreting the original position more radically or broadly than its creator did" (238). Taking it to be revisable makes clear that the original position is simply "a device of representation,"⁴ which philosophers may adapt to argue for their favored principles. Allowing philosophers to modify the original position turns it into a more flexible methodological tool but weakens the idea that it offers much independent "critical force" (238). For instance, thinking from the perspective of the "least advantaged representative woman" (245) requires categorizing the infinite variety of human differences into morally salient gendered groups or "types" whose disadvantages can be ranked outside any particular context. However, the original position provides no principled way of identifying or ranking such types and so lacks resources to ensure that philosophers using it will not overlook some unjustly disadvantaged groups, as Rawls did and as Okin is charged with having done.

Why should philosophers choose to represent their thinking about justice via the original position? Rawls intended the image to organize multiple moral considerations in a form that would facilitate selecting justice principles that are both determinate and impartial. In order to produce a determinate outcome, he thought it was necessary to assume mutual disinterest together with the veil of ignorance; if benevolence plus full knowledge were assumed, the situation would be "so complex that no definite theory at all can be worked out."⁵ However, the seeming "simplicity and clarity" of Rawls's account disappear once Okin makes explicit that reasoning from the original position requires philosophers to think from the perspectives "of persons of all different imaginable types and in all different imaginable social positions" (244). As Okin

3. Will Kymlicka, "Rethinking the Family," *Philosophy and Public Affairs* 20 (1991): 177–97. Eva Kittay, *Love's Labor: Essays on Women, Equality and Dependency* (New York: Routledge, 1998).

4. John Rawls, "Justice as Fairness: Political, Not Metaphysical," *Philosophy and Public Affairs* 14 (1985): 223–51, 237.

5. Rawls, *A Theory of Justice*, 148–49.

acknowledges, this is "far from a simple demand" (244) and indeed is so challenging that it brings into question the practical usability of the method.

Okin's discussion is intended to clarify the original position and demonstrate its critical power for feminism, but her clarification highlights the method's inherent limitations. Okin may have recognized these limitations during her subsequent fifteen years writing on gender justice, because her later statements about moral reasoning move continually away from the spirit of the original position. They increasingly emphasize the need for empirical as opposed to hypothetical discourse and the moral relevance of agents' specific identities.⁶ Okin never repudiated original position reasoning, but her later work quietly dropped it.

6. Alison M. Jaggar, "Susan Moller Okin and the Challenge of Essentialism," in *Toward a Humanist Justice: The Philosophy of Susan Moller Okin*, ed. Rob Reich and Debra Satz (Oxford: Oxford University Press, 2009).